Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, June 30, 2011, at 10:30 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, Acting County Manager and Ms. Patti Morrow, Recording Secretary.

(Official Minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at www.FrederickCountyMD.gov.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Delauter said he had attended a recent meeting of the Agriculture Business Council.

Commissioner Smith said he had attended the Bio-International Conference.

Commissioner Young announced there would be no meeting the week of the July 4, 2011.

<u>Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Acting County Manager</u>

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

WORKSESSION

Parks and Recreation Month Proclamation

The Board proclaimed the month of July as Parks and Recreation month.

<u>Frederick County, Maryland General Obligation Public Facilities Bonds, Series 2011A</u> <u>and Frederick County, Maryland, General Obligation Public Facilities Refunding Bonds,</u> Series 2011B - Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)

Mr. Cumbie presented the resolutions regarding the sale of Frederick County bonds. Mr. John Kroll, Finance Division, commented on the resolutions.

There were no public comments.

Commissioner Smith moved to approve the resolution authorizing the Series 2011A General Obligation Bonds. Commissioner Shreve seconded the motion that passed 5-0.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

Commissioner Smith moved to approve the resolution authorizing the Series 2011B General Obligation Refunding Bonds. Commissioner Gray seconded the motion that passed 5-0.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

PUBLIC HEARING

<u>To Consider the Proposed Reissuance of Frederick County Bonds for Saint Thomas</u> <u>More Academy, Inc. – Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)</u>

Mr. Cumbie briefed the Board on the request from Saint Thomas More Academy, Inc. He noted the public hearing was merely a formality to change the payment terms between the PNC Bank and Saint Thomas More Academy, Inc.

Commissioner Smith moved to approve the reissuance of Frederick County bonds for Saint Thomas More Academy, Inc. Commissioner Shreve seconded the motion that passed 5-0.

WORKSESSION

FY 2012 Commercial Insurance Report and Renewal – Insurance Committee (Committee) and Mike Beard, Finance Division

Commissioner Young disclosed Paul Brunner, Committee member, was his insurance agent.

Mr. Brunner presented the insurance report.

Laurie Jansen, BB&T Frederick Underwriters; and Phil Mullen, Ric Adams and J.R. Ramsburg Committee members, were also present.

There were no public comments.

Commissioner Delauter requested the Committee look into the flood insurance coverage.

Commissioner Shreve requested the Committee provide background data on the public officials liability.

Commissioner Gray moved to approve the insurance recommendation as presented. Commissioner Smith seconded the motion that passed 5-0.

<u>Introduction of GIS-At-A-Glance Application – Sherry Weakley, Interagency Information Technologies (IIT)</u>

Ms. Amber DeMorett, Community Development Division; Linda Warthen, Emergency Management Division; and Michael Stranovsky, IIT Division, presented the GIS-At-A-Glance.

There were no public comments.

No action was taken as the item was informational.

<u>Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager</u>

Ms. Grossnickle presented the following appointments/reappointments.

Advisory Plumbing Board

There were no public comments.

Commissioner Gray moved to reappoint Mr. Michael Late to serve a four-year term to take effect July 1, 2011, and expire June 30, 2015. Commissioner Smith seconded the motion that passed 5-0.

Affordable Housing Council

Ms. Jenny Short, Citizens Services Division, commented.

There were no public comments.

Commissioner Smith moved to appoint Ms. Marcie Carnahan to fill an unexpired term to expire June 30, 2012; Ms. Janet Fogle to fill an unexpired term to expire June 30, 2012; and Mr. David Minton to serve a three-year term to become effective July 1, 2011, and expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

Agriculture Business Council

There were no public comments.

Commissioner Smith moved to appoint Mr. Anthony Aellen to fill an unexpired term, effective immediately, to expire June 30, 2012 and Mr. Robert Smariga to serve a three-year term to take effect July 1, 2011, and expire June 30, 2014. Commissioner Delauter seconded the motion that passed 5-0.

<u>Citizens Nursing Home Board of Trustees</u>

There were no public comments.

Commissioner Smith moved to reappoint Ms. E. Sue Ferguson and Ms. Nancy Haines to serve three-year terms to take effect July 1, 2011, and expire on June 30, 2014; and appoint Mr. Charles Clark to fill an unexpired term, effective immediately, to expire June 30, 2012. Commissioner Shreve seconded the motion that passed 5-0.

Ethics Commission

There were no public comments.

Commissioner Shreve moved to approve appointment of Hayden Duke to serve a three-year term to take effect July 1, 2011 and to expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

At the request of the Board, Commissioner Shreve withdrew his motion.

Commissioner Gray moved to interview Mr. Hayden Duke, Ms. Carolle Cox and Mr. David Pearce for the position of full member on the Ethics Commission. Commissioner Smith seconded the motion that passed 5-0.

Historic Preservation Commission

There were no public comments.

Commissioner Smith moved to reappoint Mr. Gary Baker, Ms. Kristie Baynard, Ms. Kathryn McKenzie and Mr. James Moser to serve three-year terms to take effect July 1, 2011, and expire June 30, 2014. Commissioner Shreve seconded the motion that passed 5-0.

Parks and Recreation Commission

There were no public comments.

Commissioner Smith moved to appoint Mr. William Lukens, Esquire and Mr. Darren Wigfield to serve four-year terms to take effect July 1, 2011, and expire June 30, 2015. Commissioner Gray seconded the motion that passed 5-0.

Roads Board

There were no public comments.

Commissioner Delauter moved to appoint Mr. Stephen Haller to serve a five-year term to take effect July 1, 2011, and expire June 30, 2016. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed. It was indicated if Mr. Haller did not accept the position, it would be offered to Mr. James Strawsburg.

Sustainability Commission

There were no public comments.

Commissioner Smith moved to reappoint Ms. Lisa Gaver and Mr. Fred Ugast to serve three-year terms to take effect July 1, 2011, and expire June 30, 2014; and appoint Ms. Karen Buchsbaum and Mr. John Hartner Jr. to serve three-year terms to take effect July 1, 2011, and expire June 30, 2014. Commissioner Gray seconded the motion.

Commissioner Young requested the motion be split.

The motion to approve the reappointment of Ms. Gaver and the appointment of Ms. Buchsbaum and Mr. Hartner passed 5-0.

The motion to approve the reappointment of Mr. Ugast passed 3-2 with Commissioners Young and Shreve opposed.

Technology Council of Frederick County

There were no public comments.

Commissioner Smith moved to appoint Mr. Dan Jamison to serve a four-year term to take effect July 1, 2011, and expire June 30, 2015. Commissioner Gray seconded the motion that passed 5-0.

<u>Transportation Services Advisory Council</u>

There were no public comment.

Commissioner Smith moved to reappoint Mr. Jack Cash to serve a three-year term to take effect July 1, 2011, and expire June 30, 2014; and appoint Ms. Elizabeth Fetting and Mr. Josh Rouch to serve three-year terms to take effect July 1, 2011, and expire June 30, 2014.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for a public hearing on Thursday, July 14 at 10:00 a.m.

• Alarm Ordinance Revisions – Gary Hessong, Community Development Division

CONSENT AGENDA

The following items were removed from the consent agenda:

BID AWARDS

1. <u>Purchasing Memo #11-224</u> – Renewal of PeopleSoft Pension Administration Module Functional and Technical Consulting Services (Piggyback Contract)

Award to: eFUSION Consulting

Estimated contract amount: \$330,000.00

2. <u>Purchasing Memo #11-225</u> – Renewal of Oracle (PeopleSoft) Maintenance for Frederick Community College (Sole Source)

Award to: Oracle

Award amount: \$258,190.98

 Purchasing Memo #11-233 - Bid #11-38, FY 2012 Asphalt and Stone Materials Award to: Various Vendors

Estimated annual amount: \$1,180,000.00

CHANGE ORDER

 User-Requested Ventilator Design Changes for Citizens Care and Rehabilitation Center / Montevue Assisted Living, Design Change Order No. 31 – Sue Barthol, Public Works Division

The following items were presented on the consent agenda:

BID AWARDS

1. Purchasing Memo #11-219 – Renewal of Hanson Software Maintenance for FY 2012

Award to: Hanson

Award amount: \$61,211.94

 Purchasing Memo #11-221 – Renewal of Geographic Information System Software Maintenance

Award to: Environmental Systems Research Institute

Award amount: \$47,593.14

3. Purchasing Memo #11-222 - Renewal of MUNIS Software Maintenance

Award to: Tyler Technologies Award amount: \$110,732.13

4. Purchasing Memo #11-223 – Renewal of Law Enforcement and Public Safety Software

Maintenance Services for FY 2012

Award to: Intergraph Security Award amount: \$184,104.00

5. Purchasing Memo #11-229 – Renewal of Dental Insurance Plan

Award to: United Concordia Award amount: \$91,800.00

6. Purchasing Memo #11-230 - Renewal for As-Needed Travel Forecasting and Analysis

Award to: Cambridge Systematics, Inc.

Award amount: Not to exceed \$15,000.00

7. Purchasing Memo #11-231 – Everbridge Emergency Notification System

Award to: Everbridge

Award amount: Grant funded for the first year

8. <u>Purchasing Memo #11-235</u> – Extension of Actuarial Consulting Services Contract for the

Frederick County Employees Retirement Plan

Award to: Mercer, Inc.

Estimated award amount: \$100,000.00

BOARD OF EDUCATION CURRENT EXPENSE FUND AMENDMENTS

- 1. #7-11
- 2. #8-11

GRANTS

- U.S. Department of Justice 2011 Bulletproof Vest partnership (BVP) Grant Program Marty Gallagher, Sheriff's Office
- FFY 2012 Byrne Justice Assistance Grant Program Interlocal Agreement between The City of Frederick and Frederick County – Marty Gallagher, Sheriff's Office
- Department of Social Services Summer Jobs Agreement for Youth Receiving Temporary Cash Assistance and /or Medical Assistance – Laurie Holden, Citizens Services Division
- Department of Social Services Summer Jobs Agreement for Youth Transitioning from Foster Care – Laurie Holden. Citizens Services Division

MISCELLANEOUS

1. Maryland Department of Agriculture Noxious Weed Control Agreement – Kelly Weaver, Finance Division

Commissioner Smith moved to approve the consent agenda as amended. Commissioner Delauter seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

<u>Purchasing Memo #11-224 – Renewal of PeopleSoft Pension Administration Module</u> Functional and Technical Consulting Services (Piggyback Contract)

Mr. Mitch Hose and Ms. Tracy Lobuts, Human Resources Division, commented on the purchasing request.

<u>Purchasing Memo #11-225 – Renewal of Oracle (PeopleSoft) Maintenance for Frederick Community College (FCC) (Sole Source)</u>

Ms. Sherry Weakly and Ms. Lori Rounds, FCC, commented on the purchasing request.

Purchasing Memo #11-233 - Bid #11-38, FY 2012 Asphalt and Stone Materials

Mr. Robert Shen, Public Works Division, and Mr. Hal Good, Finance Division, commented on the purchasing request.

Commissioner Smith moved to table Purchasing Memo #11-233 until the July 14 Board meeting, to allow staff to clarify the item. Commissioner Delauter seconded the motion that passed 5-0.

<u>User-Requested Ventilator Design Changes for Citizens Care and Rehabilitation Center</u> (CCRC)/ Montevue Assisted Living, Design Change Order No. 31 – Sue Barthol, Public Works Division

Collier Baird, CCRC/Montevue Assisted Living, and Dave Ennis, Public Works Division, commented on the design changes.

(Commissioner Young passed the gavel to Commissioner Smith and left the meeting.)

Commissioner Shreve moved to approve Purchasing Memos #11-224 and 11-225 and Change Order No. 31. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Young absent.

Approval of Board of County Commissioners' Meeting Minutes

Commissioner Gray moved to approve the following meeting minutes:

- ♦ Thursday, May 5, 2011 Closed Session (As Amended)
- ◆ Tuesday, May 17, 2011 Evening
- ♦ Thursday, May 19, 2011
- ♦ Thursday, May 19, 2011 Closed Session
- Thursday, May 26, 2011
- ♦ Thursday, May 26, 2011 Closed Session
- ♦ Thursday, June 2, 2011
- ♦ Thursday, June 2, 2011 Closed Session
- ♦ Tuesday, June 7, 2011 Evening
- ♦ Thursday, June 9, 2011
- ♦ Thursday, June 9, 2011 Closed Session
- ♦ Thursday, June 16, 2011

Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Young absent.

(Commissioner Young returned to the meeting and Commissioner Smith passed the gavel back to him.)

Bid Awards – Hal Good, Finance Division

<u>Purchasing Memo #11-226 – Renewal of Oracle (PeopleSoft) Maintenance for Cash and Deal Management in Support of Treasury Functions (Sole Source)</u>

Commissioner Smith moved to approve the purchasing memo as requested. Commissioner Gray seconded the motion that passed 5-0.

(Commissioner Delauter left the meeting.)

Purchasing Memo #11-228 – Bid #11-28, Portable and Vaulted Toilet Service

Mr. Paul Dial, Parks and Recreation Division, commented on the request.

Commissioner Smith moved to approve the purchasing memo as requested. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

(Commissioner Delauter returned to the meeting.)

<u>Purchasing Memo #11-232</u>, <u>Purchase and Installation of Security Equipment for the Courthouse</u>

Deputy Dana Hubble, Sheriff's Office, commented on the request.

Commissioner Smith moved to approve the purchasing request as presented. Commissioner Shreve seconded the motion that passed 5-0.

<u>Frederick County Charter Board Update and Request – Ken Coffey, Chair, Frederick County Charter Board</u>

Mr. Coffey gave a brief update to the Board on the Charter Board's progress. It was indicated the Board would consider funding a budget of up to \$25,000 to the Charter Board during the July 14 Board meeting.

Adoption of the Frederick County Board of Education's (BOE) FY 2012 Operating and Capital Budgets – Leslie Pellegrino, Frederick County Public Schools

Ms. Pellegrino presented the FY 2012 BOE budgets to the Board.

Commissioner Smith moved to approve the BOE FY 2012 Budgets as presented. Commissioner Gray seconded the motion that passed 5-0.

<u>FY 2012 Intergovernmental Agreement for Reimbursed Positions in Department 9105 – Michael Demidenko, Department of Social Services (DSS)</u>

Mr. Demidenko and Mr. Riley Carpenter, DSS, commented on the intergovernmental agreement.

Commissioner Gray moved to approve the intergovernmental agreement as presented. Commissioner Smith seconded the motion that passed 5-0.

<u>Update of Frederick County Public Schools (FCPS) Weather Warning Process – Jack Markey, Emergency Management Division</u>

Mr. Markey and Mr. Cliff Cornwell, FCPS, briefed the Board on the new policy regarding weather emergencies.

It was indicated the policy would be released to the public

No action was taken as the item was informational.

Request for Funding for the Thurmont Senior Center - Commissioner Blaine Young

Commissioner Smith moved to approve the one time request of \$6,000 to the Thurmont Senior Center and the subsequent budget transfer. Commissioner Delauter seconded the motion that passed 5-0.

COMMISSIONER COMMENTS

Commissioner Smith suggested possibly splitting the weekly Board meetings into two sessions when the agenda is lengthy.

Commissioner Delauter addressed some remarks made recently in a letter from the Friends of Frederick County.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session at 3:30 p.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 2:00 p.m.

FORM OF STATEMENT FOR CLOSING THE MEETING OF THURSDAY, JUNE 30, 2011

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

3:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider applicants for the Frederick County Board of Appeals.

FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING ON TUESDAY, JULY 12, 2011, FOLLOWING THE CLOSED MEETING OF THURSDAY, JUNE 30, 2011

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

3:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, J. Grossnickle and P. Morrow.

Topic Discussed:

To consider applicants for the Frederick County Board of Appeals.

Action Taken:

The Board voted to approve the appointment of two of the applicants to fill the two vacancies on the Frederick County Board of Appeals.

FORM OF STATEMENT FOR CLOSING THE MEETING OF THURSDAY, JUNE 30, 2011

STATUTORY AUTHORITY TO CLOSE SESSION

State Government	Article	§10-508	(\mathbf{a})):
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(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

3:35 p.m. - Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the acquisition of real property for county parks purposes.

FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING ON TUESDAY, JULY 12, 2011, FOLLOWING THE CLOSED MEETING OF THURSDAY, JUNE 30, 2011

STATUTORY AUTHORITY TO CLOSE SESSION

State	Government	Article	§10-508	(a)):
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(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

3:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, M. Chomel, P. Dial, J. Kroll, B. Hicks and P. Morrow.

Topic Discussed:

To discuss the acquisition of real property for county parks purposes.

Action Taken:

The Board directed staff to reject the offer as presented.

FORM OF STATEMENT FOR CLOSING THE MEETING OF THURSDAY, JUNE 30, 2011

STATUTORY AUTHORITY TO CLOSE SESSION

State	Government	Article	§10-508	(a)):
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(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

3:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To provide an update of and to discuss the possible resolution of pending lawsuits

FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING ON TUESDAY, JULY 12, 2011, FOLLOWING THE CLOSED MEETING OF THURSDAY, JUNE 30, 2011

STATUTORY AUTHORITY TO CLOSE SESSION

State Government	Article	§10-508((a)):
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(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

3:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, E. Soter, J. Kroll, R. Shen and P. Morrow.

Topic Discussed:

To provide an update of and to discuss the possible resolution of pending lawsuits

Action Taken:

The Board gave direction to staff.